



UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700

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In re application of :
Lawrence G. Costello : DECISION ON
Serial No. 09/803,067 : PETITION
Filed: March 12, 2001 :
For: PROCESS FOR TREATING JUICES WITH ULTRAVIOLET
ACTIVATED OXYGEN:

This is a response to the PETITION TO REVISE APPLICATION 09/803,067 PER RULE 37 CFR 1.181 (NOTICE OF ABANDONMENT), filed September 13, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment of August 06, 2004, for the fact that the Reply filed January 08, 2003 does not constitute a proper reply to the Office letter dated December 10, 2002 be withdrawn. The petitioner asserts that there has been a communication problem between applicant and the Patent Office, and the applicant filed a response to the Office letter of December 10, 2002 on January 08, 2003.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee).

A review of the instant application file shows that the examiner issued an Office letter dated December 10, 2002 indicating that the reply filed September 26, 2002 does not address the rejection of record and the amendment filed September 26, 2002 does not comply with the requirements of 37 CFR 1.121(c), and setting a time period of one-month or thirty days from December 10, 2002 for reply. On January 08, 2003, the applicant filed a Request for a 30 days extension of time for the reply without authorizing the USPTO to charge the extension fee as required by 37 CFR 1.136(a). On January 21, 2003, the applicant filed a reply including a substitute specification and abstract, corrected drawings and amended claims. However, the Reply filed January 21, 2003 does not address the rejection of



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record. Since the applicant did not pay the 30 days extension fee starting from January 11, 2003 according to 37 CFR 1.136(a), the Reply filed January 21, 2003 is untimely. Furthermore, the Reply filed January 21, 2003 still does not address the rejection of record according to 37 CFR 1.111.

However, it is noted that the replies filed on January 08, 2003 and January 21, 2003 appear to be *bona fide*, therefore, the abandonment is hereby withdrawn, and the application is returned to pending status. The applicant is given a TIME PERIOD of **ONE (1) MONTH** or **THIRTY (30) DAYS** from the mailing date of this Decision, whichever is longer, within which to submit a proper reply including a response to the rejection of records in compliance with 37 CFR 1.111, an amendment in compliance with 37 CFR 1.121 and CFR 1.185(a) and submit the one month extension fee according to 37 CFR 1.136(a). The applicant is advised to consult a registered attorney or a registered agent for further assistance regarding to the requirement of U.S. patent law and procedures.

The Petition is **GRANTED**.

A handwritten signature in cursive script, appearing to read "J. Stone", is written over a horizontal line.

Jacqueline Stone, Director
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